

CITY COUNCIL MINUTES
September 22, 2008
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, September 22, 2008 at 6:00 p.m. following a 5:45 Closed Session with Mayor Keith Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Bob Snyder, Kevin Hanley, J. M. Holmes, Bridget Powers, Keith Nesbitt

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Associate Planner Lance Lowe, Administrative Services Director Andy Heath, Police Chief Valerie Harris

ROLL CALL

By **MOTION** adjourn to a closed session under Government Code Section 54957.6: **MOTION: Holmes/Hanley/Approved by Voice**

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: David Mackowiak, Robert Richardson
Employee Group: Battalion Chiefs

REPORT OUT OF CLOSED SESSION

No reportable action.

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Commendation: Eislely Nursery, Celebrating 75 Years

Mayor Nesbitt presented a commendation to the Eislely family for its Celebration of 75 years in business in the City of Auburn.

Commendation: Steven Woods, Eagle Scout

Mayor Nesbitt stated that he would like to present a commendation to Steven Woods at a future meeting since he was unable to be attendance.

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

Elisabeth Davis, Auburn resident, requested Item 7, Senior Executive Pay for Performance Employee Agreements, be removed from the Consent Calendar.

Council Member Holmes requested Item 5, Appointment of Youth Advisory Commissioners, be removed from the Consent Calendar.

City Attorney Colantuono noted that the City Manager's contract should reflect a date change from September 8, 2008 to September 22, 2008.

1. Minutes

By **MOTION** approve City Council Minutes of August 25, 2008.

2. Appointment to Telecommunications Commission

By **RESOLUTION 08-123** appoint Richard M. Owens to the Telecommunications Commission to fill an unscheduled vacancy with a term ending January 31, 2009.

3. Management Unit Benefits and Salary Bands

By **RESOLUTION 08-124** adopt the benefits for Management Unit employees for the period of July 1, 2008 to June 30, 2009 or until further resolution.

4. Amended and Restated Contract with City Manager Robert Richardson

By **MOTION** approve an amended and restated contract with City Manager Robert Richardson to give him a cost-of-living adjustment, a merit-based salary increase, and to provide for further discussion of pension benefits after the cost of those benefits is known.

5. **Appointment of Youth Advisory Commissioners**

Item removed for discussion to follow consent calendar.

6. **Acceptance of Avigation Easement from Auburn Manor Holding Corporation and Martin A. Harmon and Authorization for the City Manager to Accept future Avigation Easements and Airport Impact Disclosure Notices on Behalf of the City**

- A. By **RESOLUTION 08-126** authorize the City Manager to execute a Certificate of Acceptance of an Avigation Easement from Auburn Manor Holding Corporation and Martin A. Harmon; and
- B. By **RESOLUTION 08-127** authorize the City Manager to execute future Avigation Easement Certificates of Acceptances and Airport Impact Disclosure Notices on behalf of the City of Auburn.

7. **Senior Executive Pay for Performance Employee Agreements**

Item removed for discussion to follow consent calendar.

***** End of Consent Calendar *****

By **MOTION** approve the Consent Calendar excluding Items 5 and 7 and including the date change on the City Manager's contract. **MOTION: Holmes/ Powers/Approved 5:0**

5. **Appointment of Youth Advisory Commissioners**

Council Member Holmes stated that the Youth Advisory Commission has two appointees. He said Ms. Odom was unable to be in attendance but that Mr. Topete was present. He recommended approval of their appointments

By **RESOLUTION 08-125** appoint Laurel Odom and Nick Topete to the Youth Advisory Commission. **MOTION: Holmes/Powers/Approved 5:0**

Mayor Nesbitt congratulated Nick Topete on his appointment to the Commission.

7. **Senior Executive Pay for Performance Employee Agreements**

Elisabeth Davis, 430 Perkins Way, Auburn, asked if management can receive 15% Pay for Performance at any time and if the agreements are in effect at this time. City Manager Richardson advised that, if the Council approves the agreements, they would be in effect immediately. Ms. Davis

asked if a manager could receive a 15% increase each year. Mr. Richardson stated that they have a salary band and can receive up to 15% annually with exemplary performance. City Attorney Colantuono stated that managers cannot get beyond step C in the salary band without Council action. He said step C is intended to be the market price. He said that the City Manager can take his managers up to the market price for their position, but cannot go beyond without Council approval.

City Attorney Colantuono said the new system places the service of management employees at the will of the City Manager. It also provides the City Manager with the tools to compensate his managers for outstanding performance. He said in the past the long-serving managers, as civil service employees, could only receive a salary increase when a cost of living adjustment was given to all employees.

Council Member Holmes asked if the ordinance had already been adopted. Mr. Richardson said the ordinance had been adopted previously. He said his managers have done an excellent job in working with the current financial environment as well as with fewer people to maintain the same service levels. He said in one year they will be eligible for additional financial incentives if their performances warrant it.

Council Member Hanley said the Pay for Performance incentive is very important to the future of the City. He said it will reward good ideas to save the taxpayers money and provide better service to the residents.

By **RESOLUTION 08-128** adopt employment agreements for Police Chief Valerie Harris, Fire Chief Mark D'Ambrogi, Community Development Director Will Wong and Administrative Services Director Andrew Heath.

MOTION: Snyder/Powers/Approved 5:0

8. **Public Comment**

Council Member Holmes stated that several months ago the Council reviewed the fees of the Old Town Business Association (OTBA). He said the Council decided to review the fees again within a few months and had not yet done so. City Manager Richardson said that both the OTBA and the Downtown Business Association (DBA) are currently looking at changing their existing structures. Council Member Snyder said if the Council changes its plan to review the item at this time, he would like it brought back to the Council for discussion.

Council Member Holmes asked if the City has seen a spike in the use of public transit. He asked that staff review the issue and present its findings to the Council. He would like to know how many Auburn residents are using public transit. Mayor Nesbitt advised that Amtrak is considering

adding another car to its commuter service. He said another bus has already been added. Council Member Hanley said CC Riders have advised that there are many more riders, creating a full parking area. Mayor Nesbitt referred the item to staff.

REPORTS

9. City Council Committee Reports

Council Member Snyder reported that the 5-AC, an airport group, is very committed to the City Council's position to keep the Boys & Girls Club from locating at Regional Park.

Council Member Powers said she attended a recent meeting of the Placer County Economic Development Commission. She said the Commission is working diligently on redevelopment issues. She asked if she could take the City's photos and diagrams of the streetscape to show at the next meeting. She asked if the City's program could be presented by City Manager Richardson.

Council Member Powers said she reported to the Placer County Solid Waste Task Force that the Auburn City Council had decided to continue the Blue Bag Program.

Council Member Holmes advised that the latest SACOG Regional Report has photographs of Auburn's streetscape project. Council Member Hanley said that SACOG has just released its Form-Based Codes Handbook. He said that Auburn was one of the four cities that they used as an example to develop the code. He said that SAGOG may soon report to the Council to assist the Council in its decision to go forward with that idea or not.

COUNCIL BUSINESS

10. Highway 49 Speed Limit

Public Works Director Jack Warren introduced the item. He said Caltrans intends to raise the speed limit on State Highway 49 from Palm Avenue to Fulweiler Avenue. He said pursuant to Caltrans rules, the City has been given the opportunity to hold a public hearing on the issue. He advised that Caltrans is not bound by the public hearing, but is extending a courtesy to a local agency. Mr. Warren suggested that the City forego the opportunity to hold a public hearing and advise Caltrans of that position.

Mr. Warren stated that there are enforcement issues. Chief Harris said in order to have a radar citation that can sustain a challenge in court, there

must be an engineering study consisting of the speed of 85% of motorists traveling that portion of the roadway. She said the study is certified valid for a period of five years. She said anytime a radar citation is challenged, a valid engineering certificate must be presented to the court. She said those factors inhibit the Police Department to do radar enforcement correctly. She said the City is “basically obligated to take this recommendation if are going to be able to enforce the laws in the way that we want.”

Chief Harris said having a public hearing would not negatively impact the survey unless the Council opposed the survey recommendation. She said the Council could ask that the City post advisory signs, but those signs would be invalid for enforcement purposes. Council questions followed.

By **MOTION** inform Caltrans that the City of Auburn will not hold a public hearing on the Highway 49 speed limit issue. **MOTION: Snyder/Powers/ Approved 5:0**

11. **Amended Lease Agreement with Auburn Hangar Leasing**

City Attorney Colantuono introduced the item. He said Auburn Hangar Leasing (AHL) is a general partnership which leases three rows of hangars at the airport. He explained that AHL is the assignee of a lease that was granted as a ground lease before the site was developed and a lot of work was done to create the three rows and the taxiways in front of them.

Mr. Colantuono explained that a dispute between the City and the lessee developed several years ago. He said at some point in the City’s history a lease amendment had been approved by the Council with the understanding that it was confirming the existing lease term, but actually had the effect of extending the lease term by five years. The City resisted that interpretation on the grounds that it was a mistake, went through mediation, and lost on the lease term issue. He said all the other outstanding issues were resolved in the 2007 mediation process. Mr. Colantuono explained the lease in depth to the Council. He advised that the City Council needed to ratify the City Manager’s execution of the amended ground lease.

By **MOTION** ratify the City Manager’s execution of an amended airport ground lease with Auburn Hangar to reflect the terms reached in mediation between the City and AHL regarding the length and terms of the lease. **MOTION: Holmes/Hanley/Approved 5:0**

ADJOURNMENT

Mayor Nesbitt, without objection, adjourned the meeting at 7:27 p.m.

Keith Nesbitt, Mayor

Joseph G. R. Labrie, City Clerk